



**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

DARREN LEE PATTON, JR.,
Petitioner,
vs.
JEFFREY BEARD, Secretary,
Respondent.

CASE NO. 14-CV-569-BEN (BLM)
ORDER DISMISSING PETITION

Petitioner Darren Lee Patton, Jr., a state prisoner proceeding pro se, filed a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254. (Docket No. 1.) This Court stayed the Petition pending state court exhaustion of his new ineffective assistance of trial and appellate counsel claims. (Docket No. 22.) On June 3, 2015, the Court ordered Petitioner to file a status report every 120 days until the matter was no longer stayed. (Docket No. 23.) Petitioner failed to file a single status report.

On February 19, 2016, this Court issued an Order to Show Cause why the case should not be dismissed for failure to comply with a court order. (Docket No. 24.) Petitioner was required to file a response by March 1, 2016, apprising the Court of the status of his state court claims. In addition, Petitioner was warned that if he failed to file a status report, the matter would be dismissed.

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1 Petitioner did not respond to the Order to Show Cause, nor did he file any of
2 the required status reports.¹ Accordingly, the Petition is **DISMISSED** for failure to
3 comply with a court order. *See* Fed. R. Civ. P. 16(f)(1)(C) (pursuant to Rule
4 37(b)(2)(A)(v), court may dismiss case for failing to comply with court order).

5 **IT IS SO ORDERED.**

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7 Dated: March 28, 2016


HON. ROGER T. BENITEZ
United States District Judge

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27 ¹The Court conducted an inmate locator search, which confirmed Petitioner is
28 still located at the Corcoran state prison address. In addition, the Court conducted an
online case search in the Superior Court of California, County of San Diego. Albeit,
not an exhaustive search, there is no evidence that Petitioner filed a civil case.